IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2016

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THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

W.P.No.1574 of 2016
and WMP.No.1339 of 2016

Pavai Varam Educational Trust,
Rep.by its Chairman,
N.V.Natarajan .. Petitioner

Vs

1.The Chief General Manager,
Central Fraud Monitoring Cell,
Department of Banking Supervision,
Reserve Bank of India,
10/3/8, Nruputhunga Road,
Bengaluru.
2.The Inspector of Police,
District Crime Branch,
Namakkal.
3.Siemens Financial Services Pvt.,Ltd.,
Represented by its
Regional Rish Head (South),
Sigappi Aachi Building,
18-13, Rukmani Lakshmipathi Salai,
Egmore, Chennai 600 008. .. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the 1st respondent to remove the name of the petitioner from their caution list, which is in pursuance to the complaint made by the 3rd respondent against the petitioner before the 2nd respondent.

For Petitioner : Mr.R.Gandhi, Sr.Counsel
for Mr.R.G.Narendhiran.

For Respondents : Mr.C.g.Kumar, CGSC for R1.
Mr.S.V.Durai Solaimalai
Addl.Govt.Pleader for R2.

O R D E R

This writ petition is filed for issuing writ of mandamus directing the first respondent to remove the name of the petitioner from their Caution list, in pursuance to the complaint made by the third respondent.

2.According to the deponent, he is running an educational institution since 1997. In the year 2013, the petitioner trust wanted to purchase computers. The supplier of the computers had made an arrangement with the third respondent for financial assistance for the petitioner's trust to purchase the computers under hire purchase mode. Since, the computers were not supplied, the petitioner did not make any payment to the third respondent, which ended in lodging a false criminal complaint against the petitioner by the third respondent and registration of a criminal case in Cr.No.19 of 2013.

3.Mr.R.Gandhi, learned senior counsel appearing for the petitioner on behalf of Mr.G.Narendhiran would submit that the petitioner's trust is not liable to pay the amount demanded by the respondents 2 and 3. However, to give quietus to the issue the petitioner paid a sum of Rs.4,10,00,495/- to the third respondent. Subsequently, the criminal case was also quashed by this Court in Crl.OP.No.2774 of 2014 dated 22.08.2014. Despite the same, the first respondent has placed the name of the petitioner in the caution list. The petitioner has not committed any default to any financial institution. Therefore, the petitioner made representations dated 25.03.2015 and 25.05.2015 to the first respondent to remove the name of the petitioner from the caution list. Since, no order has been passed, the petitioner filed the present writ petition.

4.Heard the submissions of Mr.R.Gandhi, learned senior counsel appearing for the petitioner on behalf of Mr.G.Narendhiran and Mr.C.G.Kumar, CGSC for R1 and Mr.S.V.Durai Solaimalai, Additional Government Pleader for R2 who accepts notice on behalf of the respondents.

5.This Court, taking into consideration the limited scope of prayer sought for by the petitioner and without going into the merits of the same, directs the first respondent to consider the representations of the petitioner dated 25.03.2015 and 25.05.2015 and pass orders on merits and in accordance with law and by taking into consideration the order passed by this Court in Crl.OP.No.2774 of 2014 dated 22.08.2014 within a period of six weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner.

6.The Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//
Sub Assistant Registrar

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To

1.The Chief General Manager,
Central Fraud Monitoring Cell,
Department of Banking Supervision,
Reserve Bank of India,
10/3/8, Nruputhunga Road,
Bengaluru.
2.The Inspector of Police,
District Crime Branch,
Namakkal.
3.Siemens Financial Services Pvt.,Ltd.,
Represented by its
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18-13, Rukmani Lakshmipathi Salai,
Egmore, Chennai 600 008.

+1 cc to Mr.R.G.Narendhiran, Advocate, sr.2776
+1 cc to The Government Pleader, sr.2998

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and
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